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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

11 AMR MOHSEN, No. C-09-01426 CRB (DMR)

12 Plaintiff, **ORDER ON PLAINTIFF'S MOTION**  
13 v. **FOR AN ORDER TO PRESERVE**  
14 **DOCUMENTS**

14 | JOEL MOSS, *et al.*

## Defendants.

17 On February 8, 2013, *pro se* Plaintiff Amr Mohsen filed an Expedited Motion for a Court  
18 Order to the Liquidators of Howrey Simon to Preserve Documents. [Docket No. 55 (“motion for an  
19 order to preserve documents”).] In his motion, Plaintiff sought an order to preserve certain  
20 documents directed to the liquidator of Howrey Simon, the law firm that represented Plaintiff’s  
21 former company in the civil actions. Howrey Simon has dissolved, and another firm, Diamond  
22 McCarthy, LLP, is handling its files in bankruptcy. The documents at issue are those covered by  
23 protective orders in the civil actions *Aptix Corp., et al v. Quickturn Design Systems*, No. C-98-  
24 00762-WHA and *Aptix Corp. v. Quickturn Design Systems*, No. C-96-20909-JF.

25 On February 14, 2013, the court denied Plaintiff's motion for an order to preserve documents  
26 without prejudice on the grounds that Plaintiff had not submitted competent evidence regarding the  
27 location of the documents at issue and whether they were in imminent danger of destruction.  
28 [Docket No. 56.] On February 28, 2013, Plaintiff submitted the declaration of attorney Mark

## United States District Court

For the Northern District of California

1 Zilversmit, in which Mr. Zilversmit states that he has been in contact with the Howrey Simon  
2 “wind-down team” regarding the documents at issue. [Docket No. 57 (Decl. of Zilversmit, Feb. 21,  
3 2013).] According to Mr. Zilversmit, Diamond McCarthy, LLP is in possession of the documents  
4 and intends to start destroying the files “sometime between March 15 and April 15, 2013” absent a  
5 court order preventing their destruction. (Decl. of Zilversmit, ¶ 5.)

6 In light of these facts, it appears that documents potentially relevant to this matter are in  
7 imminent danger of destruction. The court is inclined to grant Plaintiff’s motion and issue an order  
8 directing Diamond McCarthy, LLP to take all necessary steps to preserve the documents covered by  
9 the protective orders in *Aptix Corp., et al v. Quickturn Design Systems*, No. C-98-00762-WHA and  
10 *Aptix Corp. v. Quickturn Design Systems*, No. C-96-20909-JF. However, the court will allow  
11 Diamond McCarthy, LLP an opportunity to object to its issuing such an order. Any objections shall  
12 be filed by **no later than March 22, 2013**. Diamond McCarthy, LLP shall not destroy any of the  
13 documents in question pending the court’s ruling on any objections.

14 **Plaintiff shall immediately serve a copy of this order on Diamond McCarthy, LLP and**  
15 **file a proof of service.**

16  
17 IT IS SO ORDERED.

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19 Dated: March 6, 2013



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